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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,321	12/31/2003	Nicholas Stamos	3602.1002-000	4678

			EXAMINER
21005	7590	04/28/2005	BAUM, RONALD

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/750,321	STAMOS ET AL.
	Examiner	Art Unit	
	Ronald Baum	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-12* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-12* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *06 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-12 are pending for examination.

2.   Claims 1-12 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Teal et al, U.S.

Patent Application Publication US 2003/0120935 A1.

4.   As per claim 1; "An agent process for controlling access to digital assets in a data

processing environment comprising [para. 0002-0106, figures 1-3 and associated descriptions]:

sensing atomic level asset access events, the sensing step located within an operating

system kernel within a user client device [para. 0002-0106, figures 1-3 and associated

descriptions, whereas the trapping of calls to the operating system (i.e., para. 0038-

0042,0061,0067,0074-0077) clearly encompasses the memory access functions (i.e.,

read/write/modify per se, both at the application level to the operating system levels/layers) in all

associated address spaces, as broadly interpreted by the examiner.];

aggregating multiple atomic level events to determine a combined event [para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system and subsequent logging/analysis/resulting operational restrictions on access (i.e., to applications execution per se), and system configuration functions (i.e., para. 0038-0045,0049-0051,0067-0075,0100-0106) clearly encompasses the "aggregating multiple atomic level events ... combined event ...", as broadly interpreted by the examiner.]; and

asserting an encryption policy if a at least one combined event has occurred that matches a predefined digital asset usage risk policy [para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system and subsequent logging/analysis/resulting operational restrictions (i.e., encryption/authentication of code, etc.,) on access (i.e., to applications execution per se), and system configuration functions (i.e., para. 0038-0051,0069-0072,0078-0106) clearly encompasses the "...encryption ... event has occurred ... usage risk policy ...", as broadly interpreted by the examiner.].".

5.   Claim 2 *additionally recites* the limitation that; "A process as in claim 1 wherein the step of asserting the encryption policy is implemented in an operating system kernel of the client user device.".

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system (clearly at the kernel level of the operating system) and subsequent logging/analysis/resulting operational restrictions (i.e., encryption/authentication of code, etc.,) on access (i.e., to applications execution per se), and system configuration functions (i.e., para. 0038-0051,0069-0072,0078-

0106) of both client/server, and network processing elements per se, clearly encompasses the

"...encryption policy ... kernel ... client user device ...", as broadly interpreted by the

examiner.).

6.   Claim 3 *additionally recites* the limitation that; "A process as in claim 1 additionally

comprising:

encrypting an associated digital asset.".

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-

3 and associated descriptions, whereas the trapping of calls to the operating system and

subsequent operational restrictions (i.e., encryption/authentication of code, etc.,) on access, and

system configuration functions (i.e., para. 0038-0051,0069-0072,0078-0106) of both

client/server, and network processing elements per se, clearly encompasses the "...encrypting an

associated digital asset", as broadly interpreted by the examiner.).

7.   Claim 4 *additionally recites* the limitation that; "A process as in claim 1 wherein the

combined event is a time sequence of multiple atomic level events.".

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-

3 and associated descriptions, whereas the trapping of calls (i.e., inherently a real time sequence

of "multiple atomic level events") to the operating system and subsequent operational

restrictions, event logging, etc., on access, and system configuration functions (i.e., para.

0008,0023-0024,0040-0041,0045,0051-0052,0067,0074-0080,0085-0089,0098-0106), clearly

encompasses the "…combined … time sequence of multiple … events", as broadly interpreted

by the examiner.).

8.   Claim 5 *additionally recites* the limitation that; "A process as in claim 2 that operates

independently of application software.".

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-

3 and associated descriptions, whereas the trapping of calls to the operating system and

subsequent operational restrictions, event logging, etc., on access, and system configuration

functions (i.e., para. 0037-0045,0051,0061,0067-0078,0100-0106), clearly encompasses the

"…independently of application software", as broadly interpreted by the examiner.).

9.   Claim 6 *additionally recites* the limitation that; "A process as in claim 1 wherein the

        sensing,

        aggregating, and

        asserting steps operate in real time.".

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-

3 and associated descriptions, whereas the trapping of calls (i.e., inherently a real time sequence

of "multiple atomic level events") to the operating system and subsequent operational

restrictions, event logging, etc., on access, and system configuration functions (i.e., para.

0008,0023-0024,0040-0041,0045,0051-0052,0067,0074-0080,0085,0089,0098-0106), clearly

encompasses the "… sensing, aggregating, and asserting … real time", as broadly interpreted by

the examiner.).

10.   Claim 7 *additionally recites* the limitation that; "A process as in claim 1 additionally

comprising:

> determining a sensitivity of a particular digital asset in the asset access event; and
>
> adaptive encryption to the digital asset, optionally depending upon sensitivity of the
>
> particular digital asset.".

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-

3 and associated descriptions, whereas the trapping of calls to the operating system and

subsequent operational restrictions (i.e., encryption/authentication of code, etc.,) on access, and

system configuration functions (i.e., para. 0038-0051,0069-0072,0078-0106), and, whereas the

sensitivity corresponds to security/encryption/keying levels, clearly encompasses the

"...sensitivity ... asset ... adaptive encryption ... ... sensitivity of the particular digital asset", as

broadly interpreted by the examiner.).

11.   Claim 8 *additionally recites* the limitation that; "A process as in claim 1 wherein the

combined event specifies an action to be taken with the digital asset.".

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-

3 and associated descriptions, whereas the trapping of calls to the operating system and

subsequent logging/analysis/resulting operational restrictions on access (i.e., to applications

execution per se), and system configuration functions (i.e., para. 0038-0045,0049-0051,0067-

0075,0100-0106) clearly encompasses the "... combined ... action to be taken ... asset ...", as

broadly interpreted by the examiner.).

12.   Claim 9 *additionally recites* the limitation that; "A process as in claim 2 additionally

comprising:

    at the client user device, applying encryption of the encryption policy specified the digital

asset to be encrypted.".

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-

3 and associated descriptions, whereas the trapping of calls to the operating system and

subsequent operational restrictions (i.e., encryption/authentication of code, etc.,) on access, and

system configuration functions (i.e., para. 0038-0051,0069-0072,0078-0106), and, whereas the

sensitivity corresponds to security/encryption/keying levels, clearly encompasses the "...client

... encryption ... policy specified ... asset to be encrypted", as broadly interpreted by the

examiner.).

13.   Claim 10 *additionally recites* the limitation that; "A process as in claim 9 additionally

comprising:

    forwarding the digital asset to a second client use device; and

    asserting an encryption policy at the second client use device.".

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-

3 and associated descriptions, whereas the trapping of calls to the operating system (inclusive of

client, client/server, networked per se configurations) and subsequent operational restrictions

(i.e., software applications/assets in a 2nd computer user space/memory, encryption,

authentication of code, etc.,) on access, and system configuration functions (i.e., para. 0044-

0053,0062-0069,0084,0100-0106), clearly encompasses the "...forwarding ... second client

...encryption policy ... second client ...", as broadly interpreted by the examiner.).

14.   Claim 11 *additionally recites* the limitation that; "A process as in claim 10 additionally

comprising:

       applying decryption at the second client user device.".

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-

3 and associated descriptions, whereas the trapping of calls to the operating system (inclusive of

client, client/server, networked per se configurations and functionality) and subsequent

operational restrictions (i.e., software applications/assets in a 2nd computer user space/memory,

encryption, authentication of code, with subsequent decryption associated with said encryption,

etc.,) on access, and system configuration functions (i.e., para. 0044-0053,0062-0069,0084,0100-

0106), clearly encompasses the "... decryption ... second client ...", as broadly interpreted by

the examiner.).

15.   Claim 12 *additionally recites* the limitation that; "A process as in claim 9 additionally

comprising:

       forwarding the digital asset to a second client user device; and

       not asserting an encryption policy at the second client user device, so that if the

encryption policy specifies encryption, the digital asset cannot be read at the second client user

device.".

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system (inclusive of client, client/server, networked per se configurations) and subsequent operational restrictions (i.e., software applications/assets in a 2nd computer user space/memory, encryption, authentication of code, etc.,) on access, and system configuration functions (i.e., para. 0044-0053,0062-0069,0084,0100-0106), whereas configuration of kernel software operational to effect the call servicing and resulting configuration of security and encryption policies clearly encompasses the "...forwarding ... second client ... not asserting an encryption ... second client ... cannot be read at the second client user device...", as broadly interpreted by the examiner.).

Conclusion

16.   Any inquiry concerning this communication or earlier communications from examiner

should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose

unofficial Fax number is (571) 273-3861. The examiner can normally be reached Monday

through Friday from 8:00 AM to 5:30 PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The Fax number for the organization

where this application is assigned is 703-872-9306.

Ronald Baum

Patent Examiner

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100